

FILED
11/24/21 5:06 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)
EBONY N. SMITH) **Case No. 20-21383-GLT**
)
) **Chapter 13**
Debtor(s).)
X Related Dkt. No. 93

ORDER OF COURT
(Check Boxes That Apply)

☒ **Confirming Plan on Final Basis**

☐ **Chapter 13 Plan dated:**

☐ **Authorizing Distributions Under Plan** ☒ **Amended Chapter 13 dated:**
On Interim Basis Solely as Adequate October 6, 2021
Protection

IT IS HEREBY ORDERED that pursuant to the plan identified above (the "Plan"), as the same may be modified by this Order, the Chapter 13 Trustee is authorized to make distributions to creditors holding allowed claims from available funds on hand. Such distributions shall commence no earlier than the Chapter 13 Trustee's next available distribution date after the first day of the month following the date on which this Order is entered on the Court's docket.

IT IS FURTHER ORDERED that those terms of the Plan which are not expressly modified by this Order shall remain in full force and effect. To the extent any terms and conditions of the Plan are in conflict with this Order, the terms of this Order shall supersede and replace any conflicting terms and conditions of the Plan.

1. Unique Provisions Applicable Only to This Case: *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic monthly Plan payment is amended to be \$_____, beginning _____. To the extent there is no wage attachment in place or if an existing wage attachment is insufficient to fund the Plan payments, counsel to the Debtor(s) shall within seven (7) days hereof file a wage attachment motion (or motions) to fully fund the Plan payments, or shall sign up for and commence payments under the Trustee's TFS online payment program.
- ☐ B. The length of the Plan is changed to a total of at least ____ months. This

statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved.

- ☐ C. To the extent this Order is entered as a form of adequate protection, the Trustee is authorized to distribute to secured and priority creditors with percentage fees payable to the Chapter 13 Trustee on receipt as provided for in 28 U.S.C. §586. ***Continued conciliation conferences before the Trustee or contested hearings before the Court shall proceed on such dates and times as appear on the case docket.*** The Trustee is deemed to have a continuous objection to the Plan until such time the Plan is confirmed on a final basis.

PARTIES ARE REMINDED OF THEIR DUTY TO MONITOR THE COURT'S DOCKET AND ATTEND DULY SCHEDULED HEARINGS. THE PARTIES ARE FURTHER REMINDED OF THEIR DUTY TO MEET AND CONFER AND OTHERWISE ENGAGE IN GOOD FAITH SETTLEMENT NEGOTIATIONS WITH RESPECT TO ANY OBJECTION TO PLAN CONFIRMATION. FAILURE TO COMPLY WITH THESE DUTIES MAY RESULT IN THE IMPOSITION OF SANCTIONS AGAINST THE OFFENDING PARTY.

- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. The following utility creditor _____ shall be paid monthly payments of \$_____ beginning with the Trustee's next distribution and continuing for the duration of the Plan's term, to be applied by that creditor to its administrative claim, ongoing budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☐ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim:
- _____
- ☐ H. The secured claims of the following creditors shall govern as to claim amount, to be paid at the modified plan interest rate in a monthly amount to be determined by Trustee to pay the claim in full during the Plan term:
- _____

- ☐ I. The secured claim(s) of the following creditors shall govern as to claim amount, to be paid at the indicated interest rate in a monthly amount to be determined by Trustee to pay in full during the Plan term:
-
- ☐ J. The secured claim(s) of the following creditor(s) shall govern, following all allowed post-petition payment change notices filed of record:
-
- ☒ K. Additional Terms and Conditions:
- ECMC CL.#6, 7, 8 & 9, and PHEAA CL.#4 all paid as specially classified unsecured creditors per the plan in the total amount of \$1,075 each.
 - Per order at Doc 76, non-exempt proceeds of a settlement of PI cause of action in the posted amount of \$54,866.84 is to be treated as additional plan funding and, after trustee fees, earmarked: (1) first for any balance of outstanding owed on allowed debtor attorney fees, and (2) then (i) to non-specially classified unsecured creditors up to 100% of their timely filed claims, and (ii) specially classified unsecured creditors up to the \$1,075 limit for each specially classified unsecured creditor. Any funds in excess of the amount needed to pay unsecured creditors, shall be used for general plan funding.

2. Deadlines. The following deadlines are hereby established and apply to this case:

A. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates a sale or sales of assets or the recovery of litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

B. Review of Claims Docket and Objections to Claims. Pursuant to *W.P.A.LBR 3021-1(c)(2)*, the Debtor(s) (or Debtor(s)' attorney, if represented), shall review the proofs of claim filed in this case and shall file objections (1) to any disputed timely filed claims within ninety (90) days after the claims bar date, or (2) to any disputed late filed or amended claims within ninety (90) days after the amended and/or late claims are filed and served. Absent a timely objection or further order of the Court, the timely filed proof of claim will govern as to the classification and amount of the claim; provided however, no creditor shall receive a distribution in this case until such time as the relevant allowed claim is provided for in the Plan or any subsequent amended plan.

C. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, and all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

D. Filing Amended Plans or Other Stipulation. Within fourteen (14) days after the Bankruptcy Court resolves the priority of a claim, avoidability of a lien or interest, or extent of a lien, or any objection to claim, the Debtor(s) shall file an Amended Plan or Stipulated Order

Modifying Plan to provide for the allowed amount of the lien or claim if the allowed amount and/or treatment differs from the amount and/or treatment stated in the Plan. The Debtor(s) or Counsel for Debtor(s) should inquire with the Chapter 13 Trustee regarding whether an Amended Plan or proposed Stipulated Order Modifying Plan is the preferred course of action. In addition, if after the conclusion of the claims bar date and any associated litigation, the Plan is underfunded, Debtor(s) shall also file (1) an amended Plan increasing the monthly Plan payment, and (2) a revised wage attachment to provide for the increased funding.

3. Additional Provisions. The following additional provisions apply in this case:

A. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

B. The Trustee shall hold in reserve any distributions under the Plan to any creditor who holds a claim that is provided for in the Plan but which is subject to a duly filed claims objection. Upon entry of further order of the Court, or ultimate allowance of the disputed claim provided for in the Plan, the Trustee may release the reserve and make distribution to the affected creditor. Unless otherwise permitted by separate Order of Court, Trustee shall not commence distributions to unsecured creditors until after the later of the government bar date and a filed notice of an intention to pay claims (the later date being the "Earliest Unsecured Distribution Date"). Trustee may, but has no obligation to, further defer distributions to unsecured creditors until a later date after the Earliest Unsecured Distribution Date.

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor(s)' counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any allowed ***secured claim*** (that is secured by the property subject to the relief from stay order), unless otherwise directed by further Order of Court.

G. The Debtor(s) shall maintain all policies of insurance on all property of the Debtor(s) and this estate as required by law and/or contract.

H. The Debtor(s) shall pay timely all post-confirmation tax liabilities directly to the appropriate taxing authorities as they become due.

-4-

Dated: 11/24/21

cm: All parties in interest to be served by the clerk


GREGORY J. TADDONIO, ^{clerk}
UNITED STATES BANKRUPTCY COURT

In re:
Ebony N. Smith
Debtor

Case No. 20-21383-GLT
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Nov 29, 2021

User: dkam
Form ID: pdf900

Page 1 of 4
Total Noticed: 55

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 01, 2021:

Recip ID	Recipient Name and Address
db	+ Ebony N. Smith, 3010 Ford Avenue, Pittsburgh, PA 15235-3623
sp	+ Jonathan Stewart, SMA Law Group, 437 Grant Street, No. 600, Pittsburgh, PA 15219-6010
15235846	+ Aes/PNC Bank, Pob 61047, Harrisburg, PA 17106-1047
15235843	+ Aes/Pheaa, Pob 61047, Harrisburg, PA 17106-1047
15235845	+ Aes/pheaaelt, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15235852	+ Aes/pnc Bank, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15253305	American First Finance, c/o Becket and Lee LLP, PO Box 3002, Malvern PA 19355-0702
15235859	+ American First Finance, Attn: Bankruptcy, Po Box 565848, Dallas, TX 75356-5848
15235864	+ Collection Service Center, Inc., Pob 560, New Kensington, PA 15068-0560
15308365	ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
15235876	+ PA Toll Commission, 300 East Park Drive, Harrisburg, PA 17111-2729
15240624	+ PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
15235877	+ PennyMac Loan Services, LLC, Po Box 514387, Los Angeles, CA 90051-4387
15235878	+ PennyMac Loan Services, LLC, Attn: Correspondence Unit, Po Box 514387, Los Angeles, CA 90051-4387
15259990	+ PennyMac Loan Services, LLC, P.O. Box 2410, Moorpark, CA 93020-2410
15235879	+ Peoples Natural Gas Company, 375 North Shore, Bankruptcy Division, Pittsburgh, PA 15212-5866
15235881	+ UPMC, PO Box 371472, Pittsburgh, PA 15250-7472
15235864	UPMC Health Services, PO Box 1123, Minneapolis, MN 55440-1123
15256379	UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123
15235882	+ US Department of Education/Great Lakes, 2401 International Lane, Madison, WI 53704-3121
15235883	+ USDOE/GLELSI, 2401 International Lane, Madison, WI 53704-3121
15235884	+ USDOE/GLELSI, Attn: Bankruptcy, Po Box 7860, Madison, WI 53707-7860
15249377	+ USX Federal Credit Union, 1293 Freedom Road, Cranberry Twp, PA 16066-4955
15235888	+ USX Federal Credit Union, c/o Customer Service, P.O. Box 30495, Tampa, FL 33630-3495
15235885	USX Federal Credit Union, P.O. Box 183258, Columbus, OH 43218-3258
15235886	+ USX Federal Credit Union, PO Box 1728, Cranberry Twp, PA 16066-0728
15235889	+ USX Federal Credit Union, P.O. Box 657, New Stanton, PA 15672-0657
15235887	+ USX Federal Credit Union, 600 Grant Street, Suite 670, Pittsburgh, PA 15219-2702
15235890	+ Wilkinsburg Penn Joint Water Authority, 2200 Robinson Boulevard, Pittsburgh, PA 15221-1193

TOTAL: 29

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	Nov 30 2021 00:00:25	Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/Text: ebnnotifications@creditacceptance.com	Nov 29 2021 23:52:00	Credit Acceptance Corporation, 25505 W. 12 Mile Road, Suite 3000, Southfield, MI 48034-8331
15235858	+ Email/Text: agency@americanfirstfinance.com	Nov 29 2021 23:52:00	American First Finance, 7330 W. 33rd Street, Wichita, KS 67205-9370
15235861	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 30 2021 00:00:25	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15235860	+ Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 30 2021 00:00:20	Capital One, Po Box 30281, Salt Lake City, UT

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Total Noticed: 55

			84130-0281
15235863	+ Email/PDF: acg.coaf.ebn@aisinfo.com	Nov 30 2021 00:00:25	Capital One Auto Finance, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
15235862	Email/PDF: acg.coaf.ebn@aisinfo.com	Nov 30 2021 00:00:25	Capital One Auto Finance, Credit Bureau Dispute, Plano, TX 75025
15243302	+ Email/PDF: acg.acg.ebn@aisinfo.com	Nov 30 2021 00:00:25	Capital One Auto Finance, a division of Capital On, P.O. Box 4360, Houston, TX 77210-4360
15251588	Email/PDF: AIS.cocard.ebn@aisinfo.com	Nov 30 2021 00:00:25	Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
15235865	+ Email/Text: bankruptcy@firstenergycorp.com	Nov 29 2021 23:52:00	Collection Service Center, Inc., Attn: Bankruptcy, 839 5th Ave., New Kensington, PA 15068-6303
15235866	+ Email/Text: ebnotifications@creditacceptance.com	Nov 29 2021 23:52:00	Credit Acceptance, 25505 West 12 Mile Road, Suite 3000, Southfield, MI 48034-8331
15235867	+ Email/Text: ebnotifications@creditacceptance.com	Nov 29 2021 23:52:00	Credit Acceptance LLC, Po Box 5070, Southfield, MI 48086-5070
15235869	+ Email/Text: bdsupport@creditmanagementcompany.com	Nov 29 2021 23:52:00	Credit Management Company, Attn: Bankruptcy, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
15235868	+ Email/Text: bdsupport@creditmanagementcompany.com	Nov 29 2021 23:52:00	Credit Management Company, 2121 Noblestown Rd, Pittsburgh, PA 15205-3956
15235870	+ Email/Text: kbarkley@bernsteinlaw.com	Nov 29 2021 23:52:00	Duquense Light, 411 Seventh Avenue, Pittsburgh, PA 15219-1942
15261857	+ Email/Text: kbarkley@bernsteinlaw.com	Nov 29 2021 23:52:00	Duquesne Light Company, c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15235871	+ Email/Text: essmc@essmc.com	Nov 29 2021 23:52:00	East Suburban Sports Medicine Center, 4115 William Penn Highway, Murrysburg PA 15668-1887
15235873	+ Email/Text: dleabankruptcy@hrblock.com	Nov 29 2021 23:52:00	H&R Block Fee Center, P.O. Box 2716, Omaha, NE 68103-2716
15240436	Email/Text: JCAP_BNC_Notices@jcap.com	Nov 29 2021 23:52:00	Jefferson Capital Systems LLC, Po Box 7999, Saint Cloud Mn 56302-9617
15257494	Email/PDF: resurgentbknofications@resurgent.com	Nov 30 2021 00:00:23	LVNV Funding, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15235875	+ Email/PDF: cbp@onemainfinancial.com	Nov 30 2021 00:00:25	OneMain Financial, Attn: Bankruptcy, Po Box 3251, Evansville, IN 47731-3251
15235874	+ Email/PDF: cbp@onemainfinancial.com	Nov 30 2021 00:00:20	OneMain Financial, Po Box 1010, Evansville, IN 47706-1010
15255739	Email/Text: bnc-quantum@quantum3group.com	Nov 29 2021 23:52:00	Quantum3 Group LLC as agent for, Cognical Holdings Inc., PO Box 788, Kirkland, WA 98083-0788
15262005	+ Email/Text: bncmail@w-legal.com	Nov 29 2021 23:52:00	SCOLOPAX, LLC, C/O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
15235880	+ Email/Text: BankruptcyNotice@upmc.edu	Nov 29 2021 23:52:00	UPMC, 2 Hot Metal Street, Room 386, Pittsburgh, PA 15203-2348
15259574	Email/PDF: ebn_ais@aisinfo.com	Nov 30 2021 00:00:20	Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457

TOTAL: 26

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User: dkam

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BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PENNYMAC LOAN SERVICES, LLC
15235872		H& R Block Emerald Advance
15238464		OneMainFinancial, PO Box 3251, Evansville, IN 47731
cr	*+	Duquesne Light Company, c/o Bernstein-Burkley, P.C., 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr	*	ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408
15235847	*+	Aes/PNC Bank, Pob 61047, Harrisburg, PA 17106-1047
15235844	*+	Aes/Pheaa, Pob 61047, Harrisburg, PA 17106-1047
15235848	*+	Aes/pnc Bank, Pob 61047, Harrisburg, PA 17106-1047
15235849	*+	Aes/pnc Bank, Pob 61047, Harrisburg, PA 17106-1047
15235850	*+	Aes/pnc Bank, Pob 61047, Harrisburg, PA 17106-1047
15235851	*+	Aes/pnc Bank, Pob 61047, Harrisburg, PA 17106-1047
15235853	*+	Aes/pnc Bank, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15235854	*+	Aes/pnc Bank, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15235855	*+	Aes/pnc Bank, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15235856	*+	Aes/pnc Bank, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15235857	*+	Aes/pnc Bank, Attn: Bankruptcy, Po Box 2461, Harrisburg, PA 17105-2461
15308367	*	ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
15308369	*	ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408
15308370	*	ECMC, PO BOX 16408, ST. PAUL, MN 55116-0408

TOTAL: 3 Undeliverable, 16 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 01, 2021

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 29, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor PENNYMAC LOAN SERVICES LLC bnicholas@kmlawgroup.com
Kenneth Steidl	on behalf of Debtor Ebony N. Smith julie.steidl@steidl-steinberg.com ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@steidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com
Keri P. Ebeck	on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com jbluemle@bernsteinlaw.com
Maria Miksich	on behalf of Creditor PENNYMAC LOAN SERVICES LLC mmiksich@kmlawgroup.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	

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cmechf@chapter13trusteedpa.com

William E. Craig

on behalf of Creditor Credit Acceptance Corporation ecmail@mortoncraig.com
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 7